

**THE TOWNSHIP OF MAXATAWNY  
BOARD OF SUPERVISORS MEETING  
SEPTEMBER 9, 2024**

---

**MINUTES**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-Chairman Marcus Simonetti called the meeting to order at 6:30PM with the Pledge of Allegiance. Members present: John Deplanque (by zoom). Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Chris Muvdi; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

**ANNOUNCEMENTS:** Simonetti announced that the Board held an executive session this evening from 5:30pm until 5:50pm to discuss litigation

**PUBLIC COMMENT:** (AGENDA ITEMS ONLY) – Public Comment on agenda items will take place at the agenda item after discussion is completed by the Board

**APPROVAL OF THE MINUTES:**

1. Motion to approve the minutes of the August 12, 2024 Board of Supervisors Meeting
  - a. Motion made by Deplanque and seconded by Simonetti to approve the minutes of the August 12, 2024 Board of Supervisors. Motion passed (2-0)

**REPORTS:**

1. State Police Report
  - a. The Police report was presented. There were 122 calls in August
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
  - a. Topton Ambulance tax fund request
    - Motion made by Deplanque and seconded by Simonetti to approve the release of \$109,000.00 of tax fund to Topton Ambulance. Motion passed (2-0)
  - b. Kutztown Fire Co review of strategic study and fire tax increase request
    - There was no one in attendance from the Fire Co. so the discussion was tabled. Simonetti did state that he would like to see the strategic study be made available to the public
4. Historic Commission – nothing at this time
5. Municipal Authority – nothing at this time
6. Roadcrew
  - a. Report was presented
7. Code Enforcement – Chris Paff
  - a. Paff presented his report
  - b. There are 6 properties that need to complete septic pumping in cycle 3
  - c. Paff stated that he has been in contact with General Code regarding completing the codification project in the Township. He is waiting on a quote
  - d. Paff also stated that we are waiting on a quote for office repairs
8. Secretary/Treasurer – Jerilyn Wehr
  - a. ARPA funds – discussion on remaining funds and uses
    - Wehr had nothing new to add, as the playground company has still not provided numbers for replacement parts
  - b. Hiring of Roadcrew employee update

- Wehr stated that she received three applications and will work on setting up interviews
9. Motion made by Deplanque and seconded by Simonetti to approve the reports as presented. Motion passed (2-0).

**PLANS TO REVIEW:** nothing at this time

**OLD BUSINESS:**

1. Discussion on request from KYAA to utilize Bowers Park baseball field
  - a. Motion made by Deplanque and seconded by Simonetti to approve the requested use of the field. Motion passed (2-0)

**NEW BUSINESS:**

1. Motion to adopt Ordinance 2024-03 – Comprehensive Zoning Changes/Update
  - a. Motion made by Deplanque and seconded by Simonetti to adopt Ordinance 2024-03. Motion passed (2-0)
2. Special Event permit – Glory to Glory Church – two events with request of waiver of fee
  - a. Paff stated that the first event would be held September 22<sup>nd</sup>
  - b. Motion made by Deplanque and seconded by Simonetti to approve the special event and waive the fee. Motion passed (2-0)
  - c. The second event will be held on October 26<sup>th</sup> from 2pm until 8pm for a trunk-or-treat
  - d. Motion made by Deplanque and seconded by Simonetti to approve the special event and waive the fee. Motion passed (2-0)
3. Extension expiration – Newswanger Annexation
  - a. Motion made by Deplanque and seconded by Simonetti to approve the extension to December 18, 2024. Motion passed (2-0)
4. Extension expiration – McDonalds
  - a. Wehr stated that she had been in contact with the project representatives but did not get confirmation on if they would be looking for an extension or withdrawing the plan
  - b. Motion made by Deplanque and seconded by Simonetti to approve the extension if request is received by the deadline of September 17, 2024. If an extension request is not received, the plan will be rejected. Motion passed (2-0)
5. Extension expiration – 222 Capital Partners LLC
  - a. Wehr stated that the project Solicitor submitted an extension request extending the expiration for the review of the Preliminary Land Development Plan until a final, unappealable decision in the underlying Conditional Use Application is obtained
  - b. Motion made by Deplanque and seconded by Simonetti to approve the extension request. Motion passed (2-0)
6. Zoning Hearing application review – Hartman Road Townhomes
  - b. The Board reviewed and made recommendation on this application in August. The project representatives were in attendance to provide additional information regarding the project and the requested variances
  - c. Motion made by Deplanque and seconded by Simonetti to modify the original recommendation, maintaining the recommendation of no buffers on the northwest side conditioned on the approval of the Lobb tract Villa's while not taking a position

on the setbacks but recommending compliance with the parking requirements.  
Motion passed (2-0)

7. Zoning Hearing application review – Rodale
  - a. Paff stated that Rodale wants to demo the 1905 portions of a barn, while maintaining the original, 1819 portion, and turning the barn into a Science Research Center. Paff stated that this will require review by the Historic Commission and a Special Exemption by the Zoning Hearing Board
  - b. After discussion, the Board decided to table the review until after the Historic Commission review
8. Escrow release request – Rutter’s
  - a. Motion made by Deplanque and seconded by Simonetti to approve the escrow release upon final site review completion. Motion passed (2-0).
9. Escrow release request – Valentino’s
  - a. Motion made by Deplanque and seconded by Simonetti to approve the partial escrow release of \$38,130.00. Motion passed (2-0)
10. Motion to authorize Solicitor Muvdi to advertise public hearing for Solar Ordinance update
  - a. There was discussion on the draft. Berks County Planning Commission submitted their recommendations late today. They will be incorporated and then the draft will be advertised for public hearing next meeting
  - b. Motion made by Deplanque and seconded by Simonetti to authorize the advertisement of the public hearing. Motion passed (2-0)
11. Ratify authorization to have Solicitor Muvdi intervene in 222 Capital Partners appeal of ZHB decision
  - a. Motion made by Deplanque and seconded by Simonetti to ratify intervening in the 222 Capital Partners appeal. Motion passed (2-0)

**PROFESSIONAL SERVICES:**

1. Solicitor – Chris Muvdi – nothing at this time
2. Engineer – Chris Falencki
  - a. Falencki’s report was presented to the Board

**PUBLIC COMMENT** (non-agenda items)

1. Tony Wright, Director at Leck Waste Services introduced himself to the Board and provided additional information regarding their application to DEP to increase hours and volume of waste accepted on site. Wright invited the Board to the site for a tour and more information on what they do at the facility

**FINANCIAL MATTERS:**

1. Motion was made by Deplanque and seconded by Simonetti to approve the bills as presented. Motion passed (2-0).
2. Motion was made by Deplanque and seconded by Simonetti to approve the Treasurer’s Report and transfers as presented. Motion passed (2-0)

**ADJOURN:** Vice-Chairman Simonetti adjourned the meeting at 7:18PM

---

Respectfully submitted,

Jerilyn R. Wehr

